

REMARKS:

Applicant respectfully requests reconsideration of the application in view of the above amendments to the claims and the following remarks. The courtesy of the examiner of the examiner in granting an interview on December 14, 2004 to consider applicants request for reopening of prosecution is acknowledged with appreciation. Based upon applicants' response of May 28, 1985 – some 19 years ago- the examiner closed prosecution on the merits in accordance with the practice of *Ex Parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Due to the extremely long duration of 19 years of inaction on this case, applicants requested withdrawal of the *Ex Parte Quayle* action and reopening of prosecution. After the interview, the examiner did advise applicants that prosecution would not be reopened as the *Ex Parte Quayle* action will stand. Applicants' respectfully request reconsideration of that decision. Reopening of prosecution will allow the examiner and applicants to more review fully the status of the case in view of the intervening 19 years.

An Information Disclosure Statement ("IDS") citing the Carpentier U.S. Patent No. 4,865,600 (" '600 patent") is submitted with this paper. The '600 patent was in an interference proceeding with claims 29-33 of the subject application. By and through an award of priority by the Board of Patents & Interferences, the '600 patent issued on September 12, 1989. This occurred during the 19 year hiatus period of inaction on the present application. For completeness, the IDS lists all "references cited" in Carpentier's '600 patent.

STATUS OF THE CLAIMS:

Claims 1, 2, 8, 18-20 and 29-33 are cancelled.

Claims 3, 9, 10, 21, 25, 28 are currently amended.

Claims 3-7, 9-17 and 21-28 remain pending.

OBJECTION TO THE DRAWINGS:

In the Office Action mailed October 19, 2004, the Examiner stated that the application is in condition for allowance except for the following objections to the drawings: (i) In Figures 2-6, the same reference numeral "27" is used to represent two different features, and (ii) The "angled slot" of claim 9 and others is not shown in the drawings.

Applicant has amended Figures 2-6 in response to these objections. Specifically, in Figure 2-3, reference number 27 has been changed to read reference numeral "37," which refers to "cleat 37" of Figures 2 and 3. Corresponding amendment have been made to the specification. The use of numeral 27 in Figures 4-6 refers to the "base plate." The "angled slot" is shown in Figure 3 as numeral "26." These amendments to the drawings were not made for reasons relating to patentability. No new matter has been added by way of these amendments. In regard to the insertion of the feature of an "angled slot" into the drawings applicants point out that original claim 9 as filed on October 29, 1981 included the term "angled slot," which is a part of the original patent specification and claims.

Applicants request reconsideration of the examiners' statement that angled slot is not shown in the drawings. Specifically, as Figure 3 shows numeral 26, which represents an angled slot, applicants request the examiner accept this representation of an angled slot. *See*, amendment of November 28, 1983, p. 8. ("an angled slot such as that identified by numeral 26 in Applicants' Fig. 3").

OBJECTIONS TO THE SPECIFICATION:

In the Office Action mailed October 19, 2004, the Examiner stated the application is in condition for allowance except for the following objections to the specification: (i) On page 7, lines 7 and 15, the same reference numeral "27" is used to represent two different features, (ii)

The “angled slot” of claim 9 and others is not mentioned in the specification; and (iii) On page 8, line 24, the term “proceeding” should be replaced with --preceding--.

Applicant has amended page 7 and other pages of the specification in response to these objections. Specifically, on page 7, the first full paragraph at lines 5-12 is maintained to refer to reference numeral 27 as the “base plate 27.” The second full paragraph at lines 14-25 have been amended so the – cleat 27—now reads “cleat 37.”

The “angled slot” of original claim 9 was set forth in originally filed Figure 3 as numeral 26, which is alternatively referenced as “outward facing channels 26” at page 6, lines 24-31. The specification at page 6, lines 24-31 is now amended to read “outward facing channels (or angled slot) 26.” These amendments to the specification were not made for reasons relating to patentability.

On page 8, line 24, the term “proceeding” has been replaced with term --preceding--.

No new matter has been added by way of these amendments. In regard to the insertion of the feature of an “angled slot” into the specification applicants point out that original claim 9 as filed on October 29, 1981 included the term “angled slot,” which is a part of the original patent specification and claims. Further, an angled slot 26 was referred to in the amendment of November 23, 1983, p. 8 (“an angled slot such as that identified by numeral 26 in Applicants’ Fig. 3”).

OBJECTIONS TO THE CLAIMS:

In the Office Action mailed on October 19, 2004, the examiner stated the application is in condition for allowance, except for the following formal matters in the claims:

Claim 9 must be rewritten in independent form. In claim 3, line 4, “the” should be replaced by --a--. In claim 10, line 2, “the” should

be replaced by --a--. In claim 12, line 10, "the" should be replaced by --a--. In claim 21, line 8, "the" should be replaced by --a--; on line 24, "the", first occurrence, should be replaced by --a--. In claim 28, line 9, "the" should be replaced by --a--; on line 19, "the" should be replaced by --a--, on line 23, "guide" should be replaced by --guiding--" Page 2, Paper No. 15.

Applicants have made all of the requested changes as identified in section identified as Amendments to the Claims – *e.g.*, such as changing the claims to read "a distal end", "a tip - so as to provide a proper antecedent basis. However, the examiners' request to change the "the distal plate" to --a distal plate--" in claim 14 appears to unnecessary. Claim 14 depends on claim 13, which was earlier amended from "the base plate" to read --a base plate--. Hence, as Claim 14 depends on Claim 13, the term "the base plate" in claim 14 appears to have a proper antecedent basis. For this reason, reconsideration of the examiner's request to amend claim 14 is solicited.

CONCLUSION:

Applicants respectfully requests consideration of the foregoing amendments, remarks and requests reconsideration of the application and withdrawal of the objections and rejections.

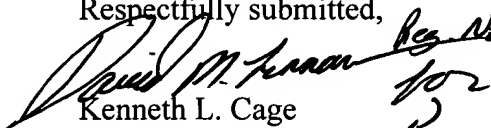
Applicants further request reconsideration of applicants request for reopening of prosecution on this matter due to the extraordinary length of time between Applicants' response on May 28, 1985 and the Office Action of October 19, 2003. The closing of prosecution 19 years after Applicants' last response does not the provide the examiner or applicant any full opportunity to access intervening events.

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Applicant believes this reply to be fully responsive to each ground of objections raised in the Office Action mailed October 19, 2004. If this belief is incorrect, or if a telephone conference would facilitate the resolution of any issue, the Examiner is invited to telephone the undersigned or her associates at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,


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AMENDMENT TO THE DRAWINGS:

Please substitute the enclosed replacement sheet (Figs. 1-8) for the drawings presently in the application.